

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re  
**EDUARDO BERRIOS MARCANO**  
**xxx-xx-3839**

Case No. **18-03934**

Chapter **13**

Debtor

**MOTION FOR ENTRY OF ORDER ALLOWING DEBTOR TO PAY PLAN PAYMENTS AS  
PER DISPOSABLE INCOME IN SCHEDULES I AND J**

**TO THE HONORABLE COURT:**

COMES NOW Debtor, through the undersigned counsel, and very respectfully prays as follows:

1. On **July 12, 2018** Debtor filed a Voluntary Petition for relief under Chapter **13** of the Bankruptcy Code.

2. Previous to the filing of the instant case, during the month of June 2018, Debtor received a payment of dividends in the amount of \$36,442.36 from UBS Financial Services. Debtor accumulated such dividends and they liquidated him the total amount.

3. Although such income was received during the last 6 months prior to the filing of the instant case, this income was a one-time payment and is not part of Debtor's regular monthly income. Furthermore, Debtor do not expects to receive any other payment of dividends of such type.

4. Debtor's Monthly Disposable Income as it appears from his *Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income* is substantially more than what his current income and expenses allow him to pay creditors because the payment of the dividends was a one-time payment and Debtor do not expects to receive any other payment of such type.

5. Pursuant to the case of Hamilton v. Lanning, 130 S.Ct. 2464 (2010) debtor's current financial circumstances as of the effective date of the plan should be considered in order

to determine his projected disposable income to be committed to the plan. Debtors' current income and living circumstances as shown in Schedules I and J demonstrate that due to Debtor's current economic circumstances, he doesn't have more income than the monthly income currently devoted to the plan payments.

WHEREFORE, the Debtor in the above captioned proceedings prays that this Motion be granted.

#### **NOTICE**

Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all CM/ECF participants including the US Trustee, and the Case Trustee.

**I FURTHER CERTIFY** that on this same date I sent a copy of the present document through regular US Mail to:

<b>BANCO</b>	<b>POPULAR</b>	<b>BANKRUPTCY</b>	<b>DEPT</b>
PO BOX 362708 San Juan, PR 00936-2708;		<b>CRIM</b>	<b>BANKRUPTCY DEPT</b>
PO BOX 195387 SAN JUAN, PR 00919-5387;	<b>DELIA PINERO ROBLES</b>	URB. CONDADO MODERNO	
L16 CALLE 14 Caguas, PR 00725;	<b>ISLAND PORTFOLIO SERVICES,LLC.</b>	221 PLAZA SUITE C-2	
PONCE DE LEON AVE San Juan, PR 00919;	<b>LCDO. WALBERT PABON GONZALEZ</b>	PO BOX 71418 San	
Juan, PR 00936-8518;	<b>ORIENTAL BANK</b>	<b>BANKRUPTCY</b>	<b>DEPT</b>
PO BOX 195115 SAN JUAN, PR 00919;	<b>POPULAR AUTO INC.</b>	<b>BANKRUPTCY</b>	<b>DEPT.</b>
PO BOX 366818 SAN JUAN, PR 00936-6818			

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this July 12, 2018.

**ALMEIDA + DÁVILA PSC**

*Attorneys for*

*EDUARDO BERRIOS MARCANO*

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